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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,648	10/28/2003	Martin Taplan	SCHT-220-US	4055
24972	7590	06/30/2004	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			FUQUA, SHAWNTINA T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/695,648	Applicant(s) TAPLAN ET AL.	
	Examiner Shawntina T. Fuqua	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cunningham (US5220155).

Cunningham discloses a cooking top comprising glass/glass ceramic (column 3, lines 14-16), an electrical heating unit/element (12) in flat heat conducting contact with the underside of heating zone (Figures 3-4) and exhibiting PTC behavior (column 3, lines 26-29), a metallic heat conducting support element (10) upon which heating element is situated (Figure 3, column 3, lines 46-48), a shaft 914) into which heating element is inserted, an insulator (20), spring elements (D; Figure 2) to press heating element to underside of zone, the desired temperature value corresponds to a cooking temperature (column 3, lines 14-16), and wherein the surface region of the heating element is smaller than that of the support element (Figure 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of Gratz et al (US6753509).

Cunningham discloses all of the recited subject matter except adhesively bonding the heating unit/element. Gratz et al discloses adhesively bonding the heating unit/element (column 7, lines 58-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included adhesively bonding of Gratz et al in the cook top of Cunningham because, adhesively bonding allows the heating unit to be secured more efficiently.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham in view Gratz et al (US6580058).

Cunningham discloses all of the recited subject matter except a heat sink paste. Gratz et al discloses a heat sink paste (column 8, lines 17-18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the heat sink paste of Gratz et al in the cook top of Cunningham because, a heat sink paste allows the heat to be conducted more efficiently.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham in view of Coates et al (US6037572).

Cunningham discloses all of the recited subject matter except a rod-shaped ceramic element which exhibits PTC properties with electrodes. Coates et al discloses a rod-shaped ceramic element which exhibits PTC properties with electrodes (column 3, lines 40-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a rod shaped ceramic element which exhibits PTC of Coates et al in the cook top

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of Cunningham because, a rod shaped PTC ceramic element allows the cook top to be heated more uniformly.

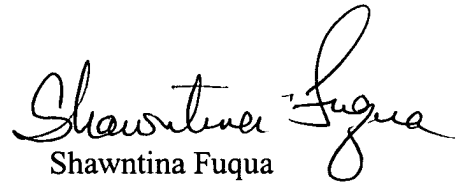
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (703) 305-2581. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf
June 27, 2004


Shawntina Fuqua
Patent Examiner
Art Unit 3742